

APPEAL NO. 022786
FILED DECEMBER 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 8 2002. The hearing officer determined that the _____, compensable injury of respondent (claimant) includes cellulitis of the right arm and that claimant had disability from October 31, 2000, through the date of the hearing. Appellant (carrier) appeals those determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. Carrier complains that claimant was not a credible witness. However, we note that this case involved a medical issue that the hearing officer determined based on the medical evidence. Carrier contends that claimant failed to prove that she could not have obtained a job where she did not have to use her arm. However, the issue in this case was disability and not whether claimant proved that she had no ability to work at all. See Section 401.011(16). We note that there was no issue of bona fide offer of employment in this case. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge